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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,098	07/27/2000	Khai Hee Kwan		3200

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EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

3624

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/628,098

Applicant(s)

KWAN, KHAI HEE

Examiner

Thu Thao Havan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8, 9 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-9, and 21-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **Detailed Action**

### ***Response to Amendment***

Claims 1-6, 8-9, and 21-32 are pending. This action is in response to the amendment received February 7, 2006.

### ***Response to Arguments***

Applicant's arguments with respect to claims 2-11, 13-24, and 26-37 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-6, 8-9, and 21-32** are rejected under 35 U.S.C. 102(e) as being anticipated by Herschkorn (US 6,691,094).

Re claim 1, Herschkorn teaches a method operative at a server for negotiating and managing loan syndication over a network (col. 7, lines 13-67; Herschkorn discloses a loan

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trading system over the Internet to match buyers and sellers of loans in a syndication method), comprising the steps of:

receiving a request to post a requirement to syndicate a loan facility by a first entity over a network (col. 1, lines 5-23);

displaying information about said requirement accessible by a plurality of entities over a network (col. 3, lines 25-54; figs. 1-3 and 5; Herschkorn discloses webpage for loan negotiations)

in response to said requirement, receiving offers from one or more second entities wherein said offer includes at least a comment over a network (col. 7, lines 13-67);

enabling first entity to negotiate with second entity over a network about committing at least a portion of said loan facility (col. 8, lines 35-67; Herschkorn enabling negotiation by disclosing initial offers and choices for different offers); and

whereby first entity is different to second entity (fig. 8; In figure 8, Herschkorn discloses plurality of entities which are all different from each others such as "American Axle or Ball Corp").

Re claims **2** and **24**, Herschkorn teaches anonymize the identities of said entities (col. 3, lines 4-12 and lines 59-61). Herschkorn discloses cross-matching systems that allow users/dealers to trade with each other anonymously.

Re claims **3** and **23**, Herschkorn teaches a feedback routine whereby feedback submitted is accessible by any entities over said network (col. 3, lines 30-53).

Re claim **4**, Herschkorn teaches receiving acceptance by final borrower and creating loan facility (col. 4, line 63 to col. 5, line 68; figs. 6e-6f).

Re claims **5** and **22**, Herschkorn teaches an auction routine to place loan commitment bids and whereby more than one entity can be selected forming the syndication (col. 16, line 48 to col. 18, line 67; col. 4, lines 54-56; col. 6, lines 35-46). Herschkorn specifically discloses an auction routine.

Re claim **6**, Herschkorn teaches requirement is a lending then first entity is a potential lender and second entity is a loan syndicator (col. 1, lines 5-23; col. 2, lines 20-52).

Re claims **8** and **25-32**, Herschkorn teaches adapting at least negotiated terms of loan to be incorporated in said loan facility (col. 13, line 35 to col. 15, line 40; col. 7, lines 34-67; figs. 4b-4d and 5).

Re claim **9**, Herschkorn teaches requirement is an origination then first entity is a loan syndicator and second entity is potential lender (figs. 6e and 8).

Re claim **21**, Herschkorn teaches an apparatus as claimed in claim 1 above. Therefore the rationale applied in the rejection of claim 21 applies herein. In addition, Herschkorn teaches a programmed computer comprising a memory and code (figs. 2-3). When Herschkorn discloses webpage software application in figures 2-3 then he is disclosing a programmed computer comprising a memory and code to make the applications functional and operable.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adams et al, US 6,898,636

Lebda et al., US 6,385,594

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH  
4/14/2006

**VINCENT MILLIN  
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